

REMARKS

Claims 1-3, 7-19, 22-27, 29-34, 36, 38, 39, 42-49 and 52 are pending.¹ No claim is amended.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Jakovac during the April 20, 2011, telephonic interview. Applicants' separate record of the substance of the interview is incorporated in the following remarks.

The Office Action dated February 2, 2011, rejected claims 1-3, 7-9, 18, 19, 22, 25-27, 36, 38, 39, 43, 44, 48, 49 and 52 as obvious under 35 U.S.C. § 103(a) based on *Microsoft Outlook 97* in view of *Thomas* (US 6,944,272), *Hardt* (US 2005/0114453) and *Domnitz* (US 6,912,398); and rejected claims 10-17, 23, 24, 29-34, 42 and 45-47 as obvious under 35 U.S.C. § 103(a) based on *Microsoft Outlook 97* in view of *Thomas*, *Kirkland et al.* (US 2005/0149622) and *Domnitz*. The rejections are respectfully traversed.

Initially, Applicants stress that the key to supporting a rejection under 35 U.S.C. § 103 is the clear, explicit articulation of the reason(s) why the claimed invention would have been obvious. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007); M.P.E.P. § 2141(III). Where a reference is relied on to support a rejection, that reference should be positively included in the statement of the rejection. *See In re Hoch*, 428 F.2d 1341, 1342 n.3 (CCPA 1970); M.P.E.P. § 706.02(j). It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified and the applicant can be given a fair opportunity to reply. M.P.E.P. § 706.02(j). It also is important for the written record to clearly explain the rationale for decisions made during prosecution of the application. *Id.*

¹ The Office Action Summary (Form PTOL-326) of the pending Office Action incorrectly lists claims 1, 2, 8-10, 18, 22, 26, 27, 29, 32, 34, 36, 38, 43-45, 48 and 52 as the pending claims. Applicants respectfully request that the next Office Action correctly lists claims 1-3, 7-19, 22-27, 29-34, 36, 38, 39, 42-49 and 52 as pending.

As discussed during the April 20, 2011, telephonic interview, the rejections in the pending Office Action do not satisfy the requirements for establishing a *prima facie* case of obviousness and therefore must be withdrawn. For example, the Office Action examined claims 18 and 48 as depending from claim 1, when claims 18 and 48 actually depend from claims 10 and 45, respectively. Office Action, page 6. The Office Action examined claims 3, 39 and 49 as depending from claim 10, when claims 1, 39 and 49 actually depend from claims 1, 36 and 45, respectively. Office Action, page 9. Further, in rejecting claims 19, 43 and 52 based on *Microsoft Outlook 97* in view of *Thomas*, *Hardt* and *Domnitz*, the Office Action did not also reject independent and intervening claims 10 and 42, respectively, based on any combination of *Microsoft Outlook 97*, *Thomas*, *Hardt* and *Domnitz*, as required to properly support a rejection of the dependent claims because the dependent claims incorporate all of the features of the intervening claims. See 35 U.S.C. § 112, fourth paragraph. In rejecting claims 23, 24 and 42 based on *Microsoft Outlook 97*, *Thomas*, *Kirkland* and *Domnitz*, the Office Action did not also reject independent claims 22 and 36 based on any combination of *Microsoft Outlook 97*, *Thomas*, *Kirkland* and *Domnitz*, as required to properly support a rejection of a dependent claim. *Id.*

Based on at least the foregoing, and as agreed upon by Examiner Jakovac during the April 20, 2011, telephonic interview, the rejections of the pending claims are improper and must be withdrawn. Additionally, any subsequent action that is not a Notice of Allowance **must be non-final** because of the impropriety of the rejections in the pending Office Action. M.P.E.P. § 706.07(a).

If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9959 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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